

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER DENYING DEFENDANT'S
MOTION TO BAR PLAINTIFF'S
EXPERT WITNESSES**

INTERNATIONAL BUSINESS MACHINES,

Defendant(s).

Before the Court is defendant International Business Machines ("IBM") renewed motion to bar plaintiff Ralph Miller's expert witnesses. Doc. #461. After consideration of the parties' papers, relevant legal authority, and good cause appearing, the Court hereby DENIES IBM's motion. Given that IBM has had the opportunity to depose the experts regarding their reports, full exclusion is unwarranted. However, the Court also recognizes that Miller has not fully complied with its previous orders on this matter. Accordingly, the experts may only testify as to the information contained in their reports and may not use any sources that were not provided to IBM. As to IBM's expert discovery requests, Miller is precluded from using any information that he failed to provide to IBM.

IT IS SO ORDERED.

Dated: May 18, 2006



MARIA-ELENA JAMES
United States Magistrate Judge